

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

VANDERBILT UNIVERSITY,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 3:18-CV-00046
	)	
SCHOLASTIC, INC.; HOUGHTON MIFFLIN	)	Chief Judge Waverly D. Crenshaw, Jr.
HARCOURT PUBLISHING COMPANY; and TED	)	Magistrate Judge Frensley
S. HASSELBRING,	)	JURY DEMAND
	)	
<i>Defendants.</i>	)	
	)	

**JOINT MOTION FOR LEAVE TO EXCEED PAGE LIMITS IN CONNECTION WITH  
DEFENDANTS SCHOLASTIC INC. AND HOUGHTON MIFFLIN HARCOURT  
PUBLISHING COMPANY'S FORTHCOMING  
JOINT MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rules 7.01(a)(2)-(4) and Section 7 of this Court's Judicial Preferences, Defendants Scholastic Inc. ("Scholastic") and Houghton Mifflin Harcourt Publishing Company ("HMH") (together, the "Defendants") respectfully request leave of the Court to file a forthcoming single memorandum of law in support of their Joint Motion for Summary Judgment (which must be filed on or before January 22, 2021) in excess of the twenty-five (25) page limitation set forth in Local Rule 7.01(a)(2), specifically for a single, combined brief of up to fifty (50) pages, as well as to file a forthcoming single, combined reply memorandum of law in further support of their Joint Motion for Summary Judgment of a total of up to ten (10) pages, in excess of the five (5) page limitation set forth in Local Rule 7.01(a)(4). Further, through this Joint Motion, Plaintiff Vanderbilt University ("Vanderbilt") respectfully requests leave of the Court to file a single forthcoming memorandum of law in opposition to the Defendants' Joint

Motion for Summary Judgment in excess of the twenty-five (25) page limitation set forth in Local Rule 7.01(a)(3) for a total of up to fifty (50) pages.

As grounds for this Joint Motion, the Defendants state that jointly filing a single of up to 50-page moving brief, rather than two 25-page moving briefs, is more efficient in the interests of judicial economy, will assist the Court, and will allow the Court to issue a single opinion. A single 50-page moving brief would provide all the arguments and factual context in one place without repetition as well as would efficiently address all the claims against the Defendants in a single document. These same reasons apply with equal force in support of the efficiency of Vanderbilt filing a single of up to 50-page opposition brief, rather than two 25-page opposition briefs, and the Defendants jointly filing a single reply brief of up to 10 pages, rather than two 5-page reply briefs.

Moreover, the requested relief aligns with the rights the parties otherwise would be respectively afforded under the Local Rules if Scholastic and HMH were each to separately file their own motions for summary judgment. In that circumstance, Scholastic and HMH each could file a moving brief of as many as 25 pages under Local Rule 7.01(a)(2) and each could file a reply brief of as many as 5 pages under Local Rule 7.01(a)(4). Also, Vanderbilt could file a response brief of as many as 25 pages to each motion served and filed under Local Rule 7.01(a)(3). Here, by allowing the Defendants to jointly file single moving and reply briefs totaling the pages they each otherwise could file and Vanderbilt to file a single opposition brief but for the total pages it otherwise could file, the requested relief is both in accord with the spirit of the Local Rules as well as in the interests of judicial economy.

WHEREFORE, for the grounds shown, the Defendants and Vanderbilt jointly move the Court for entry of the Proposed Agreed Order submitted herewith granting the requested page extensions.

Dated: New York, New York  
January 14, 2021

/s/ David J. Lender

David J. Lender (*pro hac vice*) (NY Bar No. 2583722)  
Benjamin E. Marks (*pro hac vice*) (NY Bar No. 2912921)  
Sara Lonks (*pro hac vice*) (NY Bar No. 5445630)  
Taylor Dougherty (*pro hac vice*) (NY Bar No. 5526561)  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
david.lender@weil.com  
benjamin.marks@weil.com  
sara.lonks@weil.com  
taylor.dougherty@weil.com

Michael G. Abelow (No. 26710)  
SHERRARD ROE VOIGT & HARBISON, PLC  
150 Third Avenue South, Suite 1100  
Nashville, TN 37201  
(615) 742-4200  
mabelow@srvhlaw.com

*Attorneys for Defendant Houghton Mifflin Harcourt  
Publishing Company*

Dated: New York, New York  
January 14, 2021

/s/ Edward H. Rosenthal

Edward H. Rosenthal (*pro hac vice*) (NY Bar No. 1731835)  
Caren Decter (*pro hac vice*) (NY Bar No. 4456992)  
Kimberly M. Maynard (*pro hac vice*) (NY Bar. No. 4767844)  
Nicole Bergstrom (*pro hac vice*) (NY Bar No. 5236344)  
Viviane K. Scott (*pro hac vice*) (NY Bar No. 5468996)  
FRANKFURT KURNIT KLEIN & SELZ, PC  
28 Liberty Street  
New York, New York 10005  
Phone: (212) 980-0120  
Fax: (212) 593-9175  
erosenthal@fkks.com  
cdecter@fkks.com

kmaynard@fkks.com  
nbergstrom@fkks.com  
vscott@fkks.com

Thor Y. Urness (BPR No. 13641)  
BRADLEY ARANT BOULT CUMMINGS LLP  
1600 Division Street, Suite 700  
Nashville, TN 37203  
(615) 252-2384  
turness@bradley.com

*Attorneys for Defendant/Counterclaim-Plaintiff Scholastic Inc.*

Dated: Atlanta, Georgia  
January 14, 2021

/s/ John W. Harbin

John W. Harbin  
Mary Katherine Bates  
MEUNIER CARLIN & CURFMAN LLC  
999 Peachtree Street NE, Suite 1300  
Atlanta, GA 30309  
jharbin@mcciplaw.com  
kbates@mcciplaw.com

Paige W. Mills  
Robert E. Cooper, Jr.  
Mary Leigh Pirtle  
Ashleigh Karnell  
BASS BERRY & SIMS PLC  
150 Third Avenue South, Suite 2800  
Nashville, TN 37201  
pmills@bassberry.com  
rcooper@bassberry.com  
mpirtle@bassberry.com  
ashleigh.karnell@bassberry.com

*Attorneys for Plaintiff/Counterclaim-Defendant Vanderbilt University*

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 14th day of January, 2021, the foregoing was served via the Court's CM/ECF system on the following:

<p>Aubrey B. Harwell, Jr. Thomas C. Dundon Erik C. Lybeck NEAL &amp; HARWELL, PLC 1201 Demonbreun Street, Suite 1100 Nashville, TN 37203 aharwell@nealharwell.com tdundon@nealharwell.com elybeck@nealharwell.com</p> <p><i>Attorneys for Defendant Ted S. Hasselbring</i></p>	
--	--

/s/ Michael G. Abelow  
Michael G. Abelow